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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/620,654 : Confirmation No.: 1421
Applicant : Rabasco, John J. et al.
Filed : July 16, 2003
For : Polymer Emulsion Coatings for Cellulosic Substrates with Improved Barrier Properties

Art Unit : 1773
Examiner : Tarazano, Donald L.

Docket No. : 06326 USA
Customer No. : 23543

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p align="center">CERTIFICATE OF MAILING</p> <p>I CERTIFY THAT THIS PAPER (ALONG WITH ANY PAPER REFERRED TO AS BEING ATTACHED OR ENCLOSED) IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:</p> <p align="center">COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450</p> <p>ON <u>17 Feb. 2005</u> Date</p> <p align="center"><u>Mary E. Bongiorno</u> (Type or print name of person mailing paper)</p> <p align="center"><u>Mary E. Bongiorno</u> Signature of person mailing paper</p>
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Sir:

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97(c)**

The information disclosure statement transmitted herewith is being filed **after** the period specified in § 1.97(b) but **before** the mailing date any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application.

Accompanying this transmittal is

- ☒ a statement as specified in 35 C.F.R. 1.97(e)
or
☐ the fee set forth in 37 C.F.R. 1.17(p).

US 2004/0241475 A1 discloses barrier coatings for oil and grease resistance comprising a paper substrate, a base coat on the surface of the substrate and a top coat on the surface of the base coat. The base coat can comprise a synthetic polymer, such as vinyl acetate polymer and poly(ethylene vinyl acetate), among other identified polymers [0020]. US '475 A1 states that suitable synthetic polymers can be obtained commercially from Air Products and Chemicals, Inc. (APCI) and other identified suppliers [0020].

Table 1 [0041] shows Coating Composition 6 as comprising 100 parts Latex 2. Latex 2 is identified as "a vinyl acetate latex obtained commercially from Air Products and Chemicals under the trade name Orion." Latex 2 is identified simply as a vinyl acetate polymer, not as an

aqueous vinyl acetate-ethylene (VAE) polymer emulsion. There is no disclosure in US '475 A1 further identifying Latex 2.

Neither APCI nor Air Products Polymers, L.P. (APP), a limited partnership of APCI, has ever sold or offered for sale any vinyl acetate polymer under the tradename of "Orion". APP is the entity that makes and sells aqueous polymer emulsions, including VAE polymer emulsions. APP is the assignee of the present application.

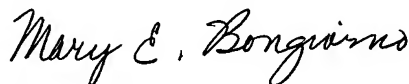
The term "Orion" has been used by APP as an identifier for an R&D project relating to VAE polymer emulsions. Commencing on or about 27 June 2002, APP sampled International Paper Company (IP), the assignee of US '475 A1, with numerous VAE emulsions for evaluation as barrier coatings on paper substrates, some of which VAE emulsions were developed under the Orion project and some of which were not. All VAE emulsion samples sent to IP were sent under a "YBY" experimental number with an accompanying MSDS which also contained the "YBY" number and "ORION" as a suffix to the number. An example of such MSDS is attached.

Therefore, from a reading of US '475 A1 a worker of ordinary skill in the art would have no idea about the composition of Latex 2 other than it was a vinyl acetate polymer, and APP does not know whether an Orion-type VAE or a different VAE was used as Latex 2.

The MSDS shows an "issue date" of 14 February 2001 indicating the date it was prepared in anticipation of sampling VAE emulsions for R&D evaluation. (See the MSDS 15. REGULATORY INFORMATION) Prior to 27 June 2002 all samples of Orion-type VAE emulsions were sampled under confidentiality, non-analysis agreements.

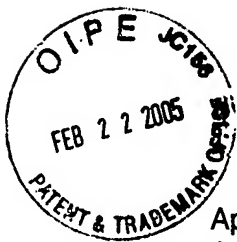
The VAE emulsions developed under the Orion project are the VAE emulsions of the claimed subject matter in the present application.

Respectfully submitted,



Mary E. Bongiorno
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ON	<u>17 Feb 2005</u>
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Sir:

**STATEMENT FOR INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97(e)**

This statement is being made for the Information Disclosure statement

☒ accompanying this statement.

or

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I, the person(s) signing below, state:

☐ that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. 37 CFR 1.97(e)(1).

or

☒ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement. 37 CFR 1.97(e)(2).

The person making this statement is the attorney/agent who signs below on the basis of the information:

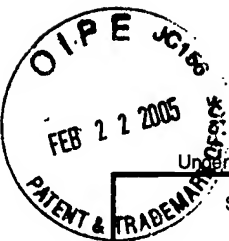
- ☒ supplied by the inventor(s).
- ☐ supplied by an individual designated in § 1.56(c).
- ☐ in the attorney's file.

Respectfully submitted,

Mary E. Bongiorno

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/620,654
				Filing Date	07/16/2003
				First Named Inventor	John Joseph Rabasco, et al.
				Art Unit	1773
				Examiner Name	Donald L. Tarazano
Sheet	1	of	1	Attorney Docket Number	06326 USA

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 2004/0241475	12/02/2004	Morabito	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO:**

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